

the name of themselves and of all the people of the State of Texas, against William Chambers, Judge of the First Judicial District, pursuant to notice given to the Senate by the House of Representatives that they had appointed for the purpose aforesaid.

Senator Hall moved to reconsider House bill No. 383.

On motion of Senator Saylor, the Senate adjourned till 9 o'clock A. M. to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, May 31, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Rawson, the reading of the journal of yesterday was dispensed with.

A message was received from the House informing the Senate that the House had passed Senate bill No. 312, "An act for the relief of G. Hoffman."

Senate bill No. 86, "An act supplementary to an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," with an amendment by the House.

Also that the House had appointed Representatives Thurmond, Smith of Colorado, and Storey, a committee of conference, on the part of the House, on disagreement between the two houses on House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers."

The following memorial was taken from the President's desk and read:

To the Honorable Senate and House of Representatives of the Thirteenth Legislature of the State of Texas:

We, the undersigned, residents and tax payers of the county of Kerr and State of Texas, having been informed that there is a bill pending before your honorable body, requiring all owners of cattle to fence said cattle in or herd them, would respectfully present to your honorable body that the passage of such a law would, in our opinion, be injurious to the interest of our county and State, and

we therefore pray your honorable body that the same do not pass into a law. And as in duty bound we will ever pray, etc.

(Signed)

H. STEEL,

W. M. LONG,

and others.

Senator Dohoney, chairman *pro tem.* of the Committee on Internal Improvements, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 654, "An act amendatory and supplemental of an act to amend sections two and twelve of an act to incorporate the Hempstead, Eastern and Western Trunk Railway," have had the same under consideration, and instruct me to report the same back and recommend its passage.

E. L. DOHONEY, Chairman *pro tem.*

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of R. Jenks Mahan, having carefully considered the same, instruct me to report it back and recommend the passage of the accompanying bill.

D. W. COLE, Chairman.

On motion of Senator Tracy the rules were suspended, and the bill just reported taken up.

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Rawson, Randle, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—23.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed:

Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep in toll bridge on the Sabine river."

Senate bill No. 374, "An act to amend article three hundred and ninety-two of the Criminal Code."

Senate joint resolution No., authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose.

Senate bill No. 321, "An act to incorporate the Houston City Park."

Senate bill No. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress Bayou."

HENRY C. KING, Chairman.

Senator Gaines asked that he be allowed to withdraw from the Committee on Internal Improvements House bill No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company." Leave granted.

On motion of Senator Shelley, the following resolution was taken up:

Resolved, That at 12 o'clock to-morrow, the thirty-first day of May instant, the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be,) that in all things appertaining to the trial of the impeachment of William Chambers, Judge of the First Judicial District, I will do impartial justice according to law;" which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment in the name of themselves and of all the people of the State of Texas against William Chambers, Judge of the First Judicial District, pursuant to notice given to the Senate by the House of Representatives that they had appointed for the purpose aforesaid.

Senator Fountain moved a call of the Senate. Call sustained.

Absent—Senator Ruby.

The sergeant-at-arms was dispatched for the absent Senator.

Senate full.

Senator Fountain then moved to postpone the consideration of the resolution until Wednesday next at 12 o'clock M. Carried by the following vote:

Yeas—Senators Avinger, Baker, Cole, Ford, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—17.

Nays—Senators Ball, Dillard, Dohoney, Finlay, Henry, King, Swift, Word and Mr. President—9.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county and to define the boundary thereof."

House bill No. 868, "An act to amend the first and fourth sections of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842."

House bill No. 938, "An act supplementary to and amendatory of an act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant lands in aid of the construction of the same."

House bill No. 869, "An act to amend the tenth and twentieth sections of an act to regulate proceedings in the district courts, approved May, 13, 1846."

Also, that the House had concurred in Senate amendments to House bill No. 914, a bill to be entitled "An act authorizing and requiring the issuance of certificates to certain persons therein named."

House bill No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors."

House bill No. 936, "An act providing for an election of officers for the town of Cameron."

Senator Hall called up House bill No. 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation for the purpose of supplying said city with water and gas."

The bill was read second time. Senator Shelley offered the following amendment: Amend section three by striking out all after the words "free of charge" in line thirteen, down to and including the word "same."

Adopted.

Senator Shelley also offered the following amendment: Amend section one by striking out "on the day of, 1873, at," and inserting "at such time as may be ordered by the city council, after not less than thirty days notice of the time of such election." Adopted.

Also, amend section three by inserting after the word "block," in line nineteen, the words "and the principal streets." Adopted.

The bill as amended then passed to a third reading; rules suspended, read third time and passed.

The following majority report from the select committee was submitted:

Hon. E. B. Pickett, President of the Senate:

SIR: Your select committee to whom was referred the petition of James E. Slater, find that said Slater has done the work set forth in the following resolution:

WHEREAS, The journal of the Senate of the adjourned session has been written up to date of adjournment, Saturday, December 2, 1871, and duly attested by the secretary; and

Whereas, The journal clerk, J. E. Slater, has not received his *per diem* for same; therefore be it

Resolved, That he be allowed sixty days *per diem* for said services, and the secretary of the Senate is hereby authorized and required to issue his certificate upon the Comptroller for the sum of four hundred and eighty dollars.

Which resolution was introduced on the seventh of May, and referred to the Committee on Contingent Expenses, and said committee reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Contingent Expenses, having had Senate resolution, for the relief of James E. Slater, under consideration, report the same back to the Senate and recommend its passage.

W. H. PYLE, Chairman.

A majority of your Committee therefore recommend the adoption of the resolution.

A. J. BALL.

SAM EVANS.

On motion of Senator Saylor, Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," with amendments by the House, was taken up, and the Senate concurred in the amendments.

By leave, Senator Ruby introduced a bill to be entitled "An act requiring the justices of the peace in Brazoria county to assess the special tax on unrendered property,

provided for by the act of July 21, 1870, and levied by county court by virtue thereof, for the years A. D. 1870 and 1871." Read first time and not referred.

Senator Henry called up House bill No. 896, "An act to regulate the fees of officers."

Senator Sayers offered a substitute for the bill.

Senator Franks moved to indefinitely postpone the whole matter. Lost by the following vote:

Yeas—Senators Baker, Ford, Franks, Hall, Rawson, Randle and Tracy—7.

Nays—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—15.

The question recurring on the adoption of the substitute, the same was put and lost.

Senator Franks proposed to amend as follows: Section three, line ninety-three, strike out the words, "not to exceed two hundred dollars." Adopted.

Senator Ford proposed to amend as follows: Amend section three, line eleven, by striking out the following words: "computing one way only." Lost.

Senator Ford then proposed to amend as follows: Amend section three, lines sixty eight and sixty-nine, by striking out "including guards and all other expenses;" and inserting, after the word "mile," in line seventy, "and ten cents per mile for each guard actually necessary." Lost.

Senator Fountain then moved to lay the whole subject matter on the table. Lost by the following vote:

Yeas—Senators Baker, Ford, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—12.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—13.

Senator Ruby moved to postpone the consideration of the bill until next Wednesday, and on that motion moved a call of the Senate. Call sustained.

Senate full.

Senator Sayers moved to lay the motion made by Senator Ruby to postpone the bill until Wednesday next on the table. Carried by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Henry, King, Pyle, Sayers, Shelley, Swift, Word and Mr. President—16.

Nays—Senators Avinger, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—11.

The bill was then passed to a third reading by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Pyle, Sayers, Shelley, Swift and Word—17.

Nays—Senators Baker, Ford, Fountain, Gaines, Hall, Rawson, Randle, Ruby, Tendick and Tracy—10.

Senator Henry then moved a suspension of the rules, and that the bill be read a third time. Lost by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Sayers, Shelley, Swift and Word—15.

Nays—Senators Baker, Ford, Gaines, Hall, Rawson, Ruby, Saylor, Tendick and Tracy—9.

By leave, Senator Dillard introduced a bill to be entitled "An act to provide for the disbursement of the money appropriated for the enlargement and improvement of the State Lunatic Asylum."

Read first time, and not referred.

Senator Finlay submitted the following report :

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred the memorial from citizens of Colorado county, praying for the relief of C. C. King, having had the same under consideration, instruct me to report the same back, with the accompanying bill, and respectfully recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*

Senator Shelley in the chair.

Senator Swift called up Senate bill No. 856, "An act to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas."

The bill was read second time; rules suspended, read third time and passed.

Senator King called up House bill No. 310, "An act to incorporate the city of San Antonio."

The bill was read second time, and the following amendments recommended by the committee were adopted :

Amend article three by striking out section forty-four.

Amend article four, section ten, by striking out the word "eighteen," in line two, and inserting in lieu thereof the words "twenty-one."

Amend article four, section fourteen, by adding at the end of section the words, "connected with the administration of the affairs of the city of San Antonio."

The following amendments recommended by the committee were laid on the table, viz.:

Amend article one, section five, by striking out all after the word "election," in line six.

Amend article three, section three, by striking out all after the word "land," in line five, down to and including the word "years," in line seven.

Senator Sayers then moved to amend the bill by adding to the end of section twenty-nine the following: "*Provided*, that any other city or town mentioned in any act incorporating the city of San Antonio shall not be affected by the provisions of this act." Adopted.

The bill as amended was then passed to a third reading; rules suspended, read third time and passed.

Senator Dohoney called up Senate bill No. 374, "An act to amend the second section of an act concerning county seats."

The bill was read second time; rules suspended, read third time and passed.

On motion of Senator Baker, the calendar clerk was excused for the day.

Senator Fountain offered the following petition and accompanying affidavits, and asked that they be spread upon the journal of the Senate:

Hon. E. B. Pickett, President of the Senate:

SIR: The undersigned respectfully presents the sworn petitions of citizens of Texas residing in the counties bordering on and adjacent to the Rio Grande, in the Thirtieth Senatorial District.

These citizens set forth that the territory of the State of Texas is daily invaded by armed bands of Mexicans and Indians from the Republic of Mexico, who murder our citizens and plunder their property. That thousands of cattle are killed by these marauders for the sake of their hides, which are taken across the Rio Grande into Mexico. These petitions and accompanying affidavits establish the fact that a predatory warfare is being waged upon our State by Mexican citizens. A. J. FOUNTAIN,
Senator Thirtieth District.

STATE OF TEXAS, COUNTY OF NUECES.—Personally appeared before me, the undersigned authority, Frank Byler and James F. Scott, who are personally well known to me as respectable and credible citizens, who, being first duly sworn on oath, declare as follows:

That on or about the twenty-third day of April, A. D. 1873, the affiants, having heard that there was an armed band of Mexican cattle thieves, variously estimated to number from fifteen to forty, encamped some twenty-five miles in a southerly direction from Fort Ewell, and killing cattle and beeves for their hides in great numbers, and stealing horses, and committing other crimes and outrages on the surrounding inhabitants, collected at Lagartville, in Live Oak county, some thirty odd citizens, and went in search of the said band of thieves, and they scouted over the country lying between the San Diego Rancho, in Duval county, to near Fort Ewell. Found no armed band of Mexicans, but did see where they had herded together large droves of cattle and shot them down and skinned them. In one place we counted one hundred and thirteen head of animals that had been killed and skinned, in another place we found fifty-four head, and in another twenty-seven or twenty-eight head, and various others isolated, that had been killed and skinned, none of which appeared to have been killed over one month, and some were quite freshly skinned. Our guide, who was George Alanis, proposed to take us to where sixty-six more had been killed in one bunch that he had seen. Also, Frank Gravis, who resides at San Diego, proposed to show us another place where there were over two hundred killed and skinned. Also, some shepherds reported that they could show us another place where there were over three hundred killed and skinned; and various others we heard of that had been killed and skinned by this same band of armed Mexican cattle thieves, whose leader, as we learned, was one Alberto Garza. But finding the thieves had escaped, we did not go to the different lots of animals that we heard of that had been killed and skinned, but can say that what we did see were mostly fine beef cattle, that had been either shot or cut down by cutting the hamstrings, and skinned. As far as we could learn, this band were Mexican citizens, from the Republic of Mexico. Not being able to find the cattle thieves, we returned to our homes. We further state

that we are satisfied that the same band of thieves will again make similar raids on the stocks of cattle in that section of country, and before a sufficient number of citizens in the settlements can get together and go in sufficient force to be safe, they will have killed and skinned as many as they can pack off, and make their escape. That unless there is an organized force kept in that section of country these bands of Mexican thieves will steal and kill all the cattle in that section of country.

JAMES F. SCOTT,
FRANK BYLER.

Sworn to and subscribed before me this seventeenth day of May, A. D. 1873, at my office in the city of Corpus Christi, county and State as aforesaid.

Witness my hand and seal of office.

[SEAL]

GEO. E. CONKLIN,

Notary Public, Nueces county.

STATE OF TEXAS, COUNTY OF LIVE OAK.—Personally appeared before me, C. C. Lewis, notary public of the county of Live Oak, and State of Texas, the undersigned citizens, well known to me, who, being duly sworn, state the within facts as already alleged by James Scott and Frank Byler as true, to their personal knowledge.

MILT. M. DODSON,

A. J. HART,

W. MINTER,

S. D. GRAHAM,

JOHN V. ELLIS,

G. Z. WILSON,

LEWIS WILLIAMS.

To certify I have herenunto signed my name and affixed my seal of office, this the twenty-third day of May, A. D. 1873, at Lazertoville, precinct No. 4, Live Oak county.

[SEAL]

C. C. LEWIS, Notary Public.

STATE OF TEXAS, COUNTY OF NUECES.—J. E. Singleton being duly sworn, says:

Am a citizen of the United States, resident of this frontier two years; consider life and property unsafe on account of bands of thieves that infest the country west of the Nueces river.

On or about the eighteenth of May, 1873, while assisting constable George Alanis, I saw cattle that had been shot and hamstrung for their hides, and I know that it is carried on generally west of the San Fernando creek, in Nueces county. In the rancho where I have been I have

seen men around that were evidently vagrants, without means of support. Travel west of the Nueces is dangerous, and I wouldn't consider my life safe unless I was armed. I have hunted cattle in the range for the last year, and know that they are rapidly decreasing in numbers, and they will be exterminated if some measures are not taken to protect the stock interest.

J. E. SINGLETON.

Sworn to and subscribed before me at San Diego this twenty-fourth day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF NUECES.—Mancial Hinojosa, being duly sworn, says:

Am a citizen of the Republic of Mexico, resident of this frontier seventeen years; consider the state of the country as unsafe for life and property, from bands of thieves that infest the country. Cattle are killed in great numbers for their hides, and the roads between the Nueces and Rio Grande rivers are unsafe for travel. I know that skinning is going on through the country west of the San Fernando creek, in Nueces county.

MANCIAL HINOJOSA.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF NUECES.—Deciderio Salinas, being duly sworn, says:

I am a citizen of the United States, resident of this frontier thirty-nine years. I have found ten of my cows killed for their hides near my rancho in the month of September, 1872, and I have had nine saddle horses stolen from me, and know that these depredations have been committed by organized bands of thieves from the Republic of Mexico, joined by thieves in this country; and I consider it extremely dangerous traveling on the roads from the Nueces to the Rio Grande rivers.

his

DECIDERIO x SALINAS.

mark

Sworn to and subscribed before me at Piedras Pintas this twenty-second day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Felipe Olvera being duly sworn, says :

I am a citizen of the Republic of Mexico ; have resided on this frontier seven years. I consider the lives and property of the citizens of this neighborhood in constant danger from bands of thieves that infest the county from the Republic of Mexico and vagrants in this country. I have seen animals that have been killed for their hides, and I have had cattle and horses stolen from me by those gangs. I consider myself in constant danger of my life in my own house, and I would not travel from the Nueces to the Rio Grande rivers with any valuable consideration in my possession unless I had company.

FELIPE OLVERA.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Apolonio Hinojosa being duly sworn, says :

I am a citizen of the Republic of Mexico, and resident of this frontier nearly three years ; consider life and property insecure from bands of thieves that infest this country. I have seen the carcasses of over three hundred head of cattle that had been killed for their hides. On the sixth of May, 1873, I found where some animals had been killed and skinned, and others lying with knives stuck in them. I consider the roads and travel generally unsafe for travelers between the Nueces and the Rio Grande rivers.

APOLONIO HINOJOSA.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Rafael Saens, deputy constable, being duly sworn, says :

Am a citizen of the United States, resident of this frontier twenty-six years. I consider that the country is not safe for life and property from bands of thieves that infest the country, especially a party under Alberto Garza. I have had occasion to assist the police and citizens of San Diego in pursuing the said Alberto Garza. I have seen hundreds of cattle that have been killed for their

hides. And I do not consider my life secure in my house or while exercising my functions as deputy constable in this precinct.

RAFAEL SAENS,

D. C. third precinct, Nueces county.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Flavenio Salinas, being duly sworn, says: I am a citizen of the United States, resident of this frontier forty-four years. I consider the lives and property of the inhabitants of this county to be in a dangerous condition, from bands of thieves that infest this country. I have had cattle of my own killed and skinned by the thieves, and my horses stolen, without being able to defend myself, through fear that the said thieves would burn my rancho. I do not consider my life secure even in my own house, and traveling is dangerous to persons wishing to conform to law and order.

his

FLAVENIO + SALINAS.

mark.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF NUECES.—Marcos Villareal, being duly sworn, says: I am a citizen of the Republic of Mexico, and resident of this frontier twenty years. I consider the country generally in this section to be in bad condition, from the frequent inroads of bands of thieves from the Republic of Mexico, and vagrants that accumulate in this county. Cattle and horse stock are gradually decreasing on account of the thieves. I consider the roads dangerous for travelers between the Nueces and the Rio Grande rivers.

his

MARCOS + VILLAREAL.

mark.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF NUECES.—Juan Saens, being duly sworn, says: He is a citizen of the United States, and resident of frontier twenty one years. Considers the country unsafe for life and property, on account of bands of thieves that infest the country from the Republic of Mexico, and assisted by vagrants and escaped criminals, that take advantage of the unsettled condition of the country to rob and steal. Consider it unsafe to travel on the roads from here to the Rio Grande. Am owner of Rancho Piedras Pintas, in the unorganized county of Duval (attached to Nueces for judicial purposes), and skinning is carried on to a great extent in the vicinity of my rancho by cattle thieves, and the authorities are powerless to put a stop to it, on account of the powerful organization that is kept up by the thieves, and have had to call for assistance from San Diego on two occasions, from raids made on my rancho by Alberto Garza and band. Horses are stolen by the above parties frequently from this rancho. The last that were stolen was about the fifteenth of April, 1873, consisting of eleven head.

his

JUAN + SAENS,

mark.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Reuben Curtis, being duly sworn, says: Am a citizen of the United States, and resident of this frontier twelve years. Consider the life and property of the inhabitants of this country west of the Nueces river to be in constant danger from the inroads of organized bands of thieves who infest the country from the Republic of Mexico and are joined by people that hang around the country without visible means of support. Travel is dangerous between the Nueces and Rio Grande rivers, and I would not leave my own house unless I was well armed. Cattle are shot and hamstrung for their hides. I saw in one bunch at the Charamusca, in Duval county, in the month of April, 1873, one hundred and fourteen, and in another eighty-four head, and in another twenty-one head, that had been shot and hamstrung and skinned; the greater part of those I saw were cows and beeves. If it continues as it has, I

think the stock interest will eventually die out, as it cannot possibly last two years longer at the present state. While assisting the authorities of this county to suppress these disorders on the sixteenth of April, 1873, the party I was with were fired on by a gang of Mexican thieves under command of Alberto Garza.

REUBEN CURTIS.

Sworn to and subscribed before me at San Diego, this twenty-fourth day of May, 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—T. Hynes Clark, being duly sworn, says: I am a citizen of the United States, and a resident of this frontier eight years. Consider life and property unsafe from the depredations of bands of thieves that infest the country west of the Nueces river. I have seen a great number of cattle that had been killed for their hides by these thieves. This killing and skinning is carried on generally throughout the country west of San Fernando Creek, in Nueces county. Travel is unsafe west of the Nueces river. I have lost about eighty-seven horses and a number of mares within this present year, and am satisfied that they were stolen. A great number of the thieves come from the Republic of Mexico, and are joined by men who hang around ranchos without any visible means of support. I am confident, if protection is not afforded to the citizens, that the cattle will eventually be killed up and driven off by these thieves. A great many people are killing their cattle for the hides and tallow to keep them from being stolen.

T. H. CLARK.

Sworn to and subscribed before me, at San Diego, this the twenty-fourth day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF LIVE OAK.—Personally appeared before me, C. C. Lewis, notary public of Live Oak county, and State of Texas, T. J. Davis, well known to me, who, being duly sworn, says, that on or about the first day of May, 1873, I was at the Rancho Concepcion; there was a man pointed out to me as Alberto Garza, and I saw three other men that were pointed out as being a part of the Alberto crowd, well armed, each one having

a Winchester carbine, six-shooter, and I think from the appearance they had about seventy five cartridges in each belt. They had two cart loads of beef hides. I saw one load sold and delivered to John Vinning; I saw the other load of hides, but I do not know who purchased it. I supposed from the appearance there were seventy-five or eighty hides on the cart that I saw. There were delivered to Mr. John Vinning seventy odd; I do not recollect the exact number. The owner of the cart instructed the wagoners to go back the way they came. The citizens appeared very much frightened when I was there, and it was reported that Alberto Garza and his crowd intended to come into the place and rob the stores, and the citizens armed themselves and stood guard; they stood guard one night, and were on the lookout all the time. I was there except the first night; I was there about eight nights. It was reported that there were about thirty men that belonged to the crowd when they were all together. The number I saw in Concepcion was openly and above-board, and went about in defiance of the law. This the twenty-third day of May, 1873.

T. J. DAVIS.

STATE OF TEXAS, COUNTY OF LIVE OAK.—Personally did sign the above instrument of writing, bearing date the twenty-third day of May, T. J. Davis, well known to me, for the express purpose therein set forth. To certify which I hereby sign my name and affix the seal of office at Lagartville, precinct No. 4, May 23, 1873.

C. C. LEWIS, N. P.

STATE OF TEXAS, COUNTY OF LIVE OAK.—Personally appeared before me, C. C. Lewis, notary public of Live Oak county, and State aforesaid, S. W. Swearingen, well known to me, who, being duly sworn, deposeth and says, that on or about the first day of May I was in Concepcion Rancho, and that parties were pointed out to me to be Alberto Garza and his crowd, and they were well armed, each one having a Winchester carbine, six-shooter, and a bowie knife, and about one hundred rounds of cartridges. They brought in two cart loads of beef hides. I suppose from the appearance there were one hundred hides to the load; and they instructed their wagoner to return the same way he came; that they would furnish him another load. I saw the man that was pointed out to me as being Alberto Garza, and seven others that were in

Concepcion while I was there. I was informed by the citizens that there were about twenty-five men engaged in the killing and skinning, and that he, Alberto Garza, could control between fifty and seventy-five men if he wanted them. I then left for the Rio Grande river, and crossed at a rancho called Sallana, where the said Alberto Garza is well known as a thief and a murderer; and I was informed that he was then in Mier, in Mexico, the day I got out on the Rio Grande river, and he was there for the purpose of recruiting, and he said he was going to return and give the Gringo another call; and I was informed that he had killed a man in Mexico for his money, and that he could not stay in Mexico; that the authorities were on a lookout for him. The Mexican citizens on this side of the Rio Grande river proposed to sell out their stock at anything they could get, and say that this band of thieves, Alberto Garza at the head, were killing and skinning all their stock of cattle; as for an American brand, it is considered a public stock. The whole country was in dread of this band, and they went openly and above-board in defiance of the law. This the twenty-third day of May, 1873.

S. W. SWEARINGEN.

STATE OF TEXAS, COUNTY OF LIVE OAK.—Personally did sign the above instrument of writing, bearing date the twenty-third day of May, 1873. S. W. Swearingen, well known to me, for the express purpose therein stated, this twenty-third day of May, 1873. C. C. LEWIS,

Notary Public L. O. C., Precinct No. 4.

THE STATE OF TEXAS, COUNTY OF NUECES.—William W. Wright, being duly sworn, says that he considers life and property unsafe at the present time west of the Nueces river. Am a citizen of the United States, resident of this frontier fifteen years. I have seen the carcasses of animals that were hamstrung and shot for their hides. Within the last year I have had stolen from me by thieves that infest this section twenty-five horses. I know that it is unsafe to travel between the Nueces and Rio Grande rivers, and I know that bands of thieves infest the country west of the San Fernando creek. I reside at Banquette, and consider it unsafe to leave the settlement without arms. I am confident that if this state of affairs continue much longer the cattle interest will be entirely destroyed, as cattle are decreasing rapidly.

WM. W. WRIGHT.

Sworn to and subscribed before me at San Diego this twenty-fourth day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Maximo Perez, being duly sworn, says:

Am a citizen of the United States, resident of this frontier twenty-three years. Consider the state of the country at present as unsafe for life and property from bands of thieves that infest the country. On the fourth of November, 1872, I found two men roping a cow of mine near Concepcion. I reclaimed the cow from them, and they asked me if it was mine. On my replying in the affirmative one of them drew his pistol, and I was forced to kill one and wounded the other. These men were from the Republic of Mexico. And I know that a bandit named Alberto Garza brings a gang from the Republic of Mexico and joins with thieves in this country and kill cattle for their hides. I consider the roads unsafe for travel between the Nueces and Rio Grande rivers, and I consider myself in danger of my life at all times in my house from attacks of these thieves.

MAXIMO PEREZ.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Gavino Mireles, being duly sworn, says:

Am a citizen of the United States, and resident of this frontier twenty-two years. Consider life and property in constant danger from the inroads of bands of thieves and vagrants that infest the country. I have seen animals that have been killed for their hides—some of them shot, some with their throats cut, and some hamstrung. I consider myself in constant danger in my own house, and know the country to be extremely dangerous for traveling.

his
GAVINO × MIRELES,
mark.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Nicolas Ebañas, being duly sworn, says:

Am a citizen of the United States, and resident of this frontier nine years. Consider the condition of the country unsafe for life and property from vagrants, escaped criminals, and organized bands of thieves that infest the country. I find it impossible to raise cattle on account of their being killed for their hides. And I know the roads from the Nueces to the Rio Grande rivers to be unsafe for travel.

his
NICOLAS × EBANAS.
mark.

Sworn to and subscribed before me at Piedras Pintas this twenty-second day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Cayetam Vela being duly sworn, says:

I am a citizen of the United States, and resident of this frontier twelve years. I consider the life and property of all law-abiding citizens to be in danger from the incursions of bands of thieves from the Republic of Mexico, joined by vagrants and escaped criminals in this county, and have seen animals killed for their hides by these parties, and consider my life in danger from these thieves.

his
CAYETAM × VELA.
mark

THE STATE OF TEXAS, COUNTY OF NUECES.—Felis Salinas being duly sworn, says:

Am a citizen of the Republic of Mexico, resident of this frontier twelve years. I consider the lives and property of the people in this place to be in constant danger from bands of thieves. I have seen animals killed for their hides by said thieves. I consider my life in constant danger, even in my own house, and know that the road between the Nueces and Rio Grande rivers to be dangerous to travel.

FELIS SALINAS.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Francisco Bazan being duly sworn, says:

Am a citizen of the United States, and resident of this frontier twenty-three years; consider the condition of the country unsafe for life and property, on account of organized bands of thieves that infest this country. In the month of September, 1872, I found thirteen of my cattle skinned near my rancho in this county, and I know that cattle are skinned in all parts of the county, west of San Fernando, by these thieves, who shoot them down in herds. The roads between the Nueces and Rio Grande rivers are unsafe for travel on account of the said gangs of thieves.

his
FRANCISCO + BAZAN.
mark.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Leandro Bazan, being duly sworn, says: Am a citizen of the United States, and a resident of this frontier seventeen years. Consider the lives and property of the citizens as unsafe, from the frequent inroads of organized bands of thieves and vagrants that infest this section. I consider myself in constant danger in my own house, and liable to attack from these parties. I also consider that travel is dangerous through the country generally west of the Nueces river.

LEANDRO BAZAN.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Mariano Garza, being duly sworn, says: I am a citizen of the United States, and resident of this frontier seventeen years. Consider the condition of the county at present as dangerous for life and property, from bands of thieves that infest the country, killing cattle for their hides, stealing beeves and horses. I have found my own cattle killed near my rancho, and have had horses stolen from me at various times. It is not safe for any kind of animals that

range in the country, and the roads are unsafe for travelers between here and the Rio Grande.

his
MARLANO + GARZA.
mark.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Jose Maria Baladez, being duly sworn, says: I am a citizen of the United States, and resident in the State and county eight years. The condition of affairs is such at present that no class of property is safe from the depredations of roving bands that infest the country, generally outlaws from the Republic of Mexico. Cattle are decreasing rapidly on account of their being killed for their hides by these bands of thieves, and more especially by a gang in command of Alberto Garza. I consider it unsafe to travel on the roads between here and the Rio Grande, and it is not safe to hunt stock on account of thieves.

his
JOSE MARIA + BALADEZ.
mark.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Cecilio Alanis, being duly sworn, says: I am a citizen of the United States, and a resident of this frontier twenty years. Consider the lives and property of the citizens of this county to be in constant danger from bands of thieves that infest this section, and I have seen animals that have been killed for their hides by these same bands of thieves. I know that a certain Alberto Garza has a gang of thieves operating in this section, and that my life is not safe in my own house, nor do I consider it safe for any person to travel between the Nueces and Rio Grande rivers.

CECILIO ALANIS.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Casimiro Alanis, being duly sworn, says: I am a citizen of the Republic of Mexico, and a resident of this frontier twenty years. I consider life and property unsafe from bands of thieves that infest the country from the Republic of Mexico and the line of the Rio Grande. They have killed and skinned cattle of my own and neighbors. I consider my life in danger at my own rancho, and travel is insecure between the Nueces and Rio Grande rivers.

CASIMIRO ALANIS.

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

THE STATE OF TEXAS, COUNTY OF NUECES.—Rafael Gutierrez, being duly sworn, says: I am a citizen of the United States, and resident of this frontier twenty-seven years. Consider the property and lives of law-abiding citizens to be unsafe on account of bands of thieves that infest the country from the Republic of Mexico, and are joined by vagrants and escaped criminals on this side of the Rio Grande. Killing cattle for their hides is a daily occurrence, and I have witnessed near my own rancho, at Guajillo, over five hundred carcasses of animals that had been killed at various times in the last four years, and I have also found my own milch cows killed and skinned near my rancho. I know the country to be unsafe in traveling, and I have to live prepared and armed at all times from fear of being robbed or killed by the roving bands that infest the country. On the sixth of May, 1873, in company with Don Alexander Gonzales, I found a drove of eighteen head of cattle in possession of three thieves, who ran on our approach; and on the next day I found the cattle all skinned, and a beef of mine killed near the public road, about three hundred yards from my house. The same night they stole two horses from my rancho. I have had about eight hundred dollars worth of stock stolen from my rancho within the last four years, which is one-third of my property. I consider that cattle and horses are unprofitable to raise, from the state of the country at present.

his

RAFAEL X GUTTIERREZ.

mark

Sworn to and subscribed before me at Piedras Pintas, this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF NUECES.—George Alanis being duly sworn says:

Is a citizen of the United States, resident of this frontier twenty-one years. Considers the present state of the country unsafe for life and property, on account of bands of thieves from the Republic of Mexico, joined by men living near the Rinta and Brugas in this county. Am constable of precinct number three, and on the sixteenth of April, 1873, while in charge of a posse, was fired on by a gang under command of Alberto Garza, a bandit that infests this country. Said thieves round up herds of cattle and shoot them down and dispose of their hides to men that own no stock in the country. I consider that travel is unsafe, and that the neighboring ranchos are liable to be attacked and pillaged by these roving bands.

On the sixteenth of April, while in charge of a posse, I saw three herds of cattle, numbering three hundred and ten head, lying skinned in the upper part of the unorganized county of Duval. The condition of affairs is the same throughout the country west of the San Fernando creek, in Nueces county.

GEORGE ALANIS,

Constable third precinct, Nueces county.

Sworn to and subscribed before me at Piedras Pintas this twenty-third day of May, A. D. 1873.

JAMES O. LUBY,

J. P. third precinct, Nueces county.

STATE OF TEXAS, COUNTY OF NUECES.—Be it remembered, that on the twenty-third of May, A. D. 1873, a meeting was held at Piedras Pintas by the undersigned citizens of Nueces and Duval counties, the object of which is to devise ways and means for the protection of life and property from the depredations of thieves that infest the country west of the Nueces river. It was resolved that Martin S. Culver, James F. Scott and George Alanis, be and are hereby appointed to represent to his excellency Governor E. J. Davis, and the Legislature of the State of Texas, the condition of the country and the necessity of speedy protection, and are authorized to procure the

documentary evidence necessary for the furtherance of the object in view.

Rafael Saens,
Deciderio Salinas,
Felipe Olvera,
Nicolas Ebañas,
M. G. L.,
Mancial Hinojosa,
Apolonio Hinojosa,
Francisco Bazan,
R. Curtis,
E. J. Nickerson,
Tomas Serna,
Juan Canales,
Jose M. Velae,
Rufus B. Glover,
Wm. A. Tinney,
Calixto Tovar,
Francisco G. Flores,
Wm. Hubbard.

Jose M. Baladez,
Rafael Guttierrez,
Leandro Bazan,
Maximo Perez,
Felis Salinas,
Flavenio Salinas,
Marcos Villareal,
Juan Saens,
Cecilio Alanis,
Frank Byler,
W. W. Wright,
George Alanis,
J. E. Singleton,
Casimiro Alanis,
Antonio Mineles,
E. Garcia Perez,
Santos Flores,

T. H. CLARK, President.

E. A. GLOVER, Secretary.

STATE OF TEXAS, COUNTY OF NUECES.—Before me personally appeared T. H. Clark, E. A. Glover, Rafael Saens, Deciderio Salinas, Felipe Olvera, Jose M. Baladez, Rafael Guttierrez, Leandro Bazan, Nicolas Ebañas, Mariano Garza, Mancial Hinojosa, Apolonio Hinojosa, Francisco Bazan, R. Curtis, E. J. Nickerson, Tomas Serna, Juan Canales, Jose Ma. Vela, Rufus B. Glover, Wm. A. Tinney, Calixto Tovar, F. G. Flores, Wm. Hubbard, Maximo Perez, Felis Salinas, Flavenio Salinas, Marcos Villareal, Juan Saens, Cecilio Alanis, Frank Byler, Jorge Alanis, W. W. Wright, J. E. Singleton, Casimiro Alanis, Antonio Mineles, E. Garcia Perez and Santos Flores, who severally acknowledge having signed the foregoing for the purposes therein expressed and set forth.

In testimony whereof I affix my hand and seal at San
[SEAL.] Diego, this twenty-fourth day of May, A. D.
1873.

JOSEPH FITZ SIMMONS,

Clerk District Court, Nueces county.

By JAMES O. LUBY, Deputy.

A message was received from the House informing the Senate of the passage by the House of the following bills:

House bill No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned."

House bill No. 967, "An act to amend article three hundred and fifty of an act to adopt and establish a Penal Code for the State of Texas, approved August 28, 1856."

Senate bill No. 352, "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," with an amendment.

Senate bill No. 339, "An act to amend the thirty-third and three hundred and fourth sections of an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

Senate bill No. 210, "An act to change the line between the counties of Burnet and Lampasas."

Senate bill No. 380, "An act to transfer certain causes pending in the District Court of Kaufman county to the district court of Rockwall county."

Senate bill No. 289, "An act to incorporate the Hebrew Sinai Congregation."

Senate bill No. 360, "An act to establish, organize and define the powers of the criminal district court in and for the cities of Dallas, McKinney and Sherman."

Senate bill No. 277, "An act to authorize the County Court of Mason county to issue interest-bearing bonds to pay the present outstanding indebtedness of said county."

Also, that the House had refused to concur in Senate amendments to House bill No. 749, "An act authorizing the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties."

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 31, 1873. }

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask the advice and consent

of your honorable body to the following appointments, to-wit:

G. H. Brooks, notary public, Presidio county.
Allen Blacker, notary public, El Paso county.
W. F. Bonner, notary public, Cherokee county.
Wilbur King, notary public, Gonzales county.
James R. Lee, notary public, Jasper county.

Respectfully,

EDMUND. J. DAVIS, Governor.

By leave, Senator Sayers introduced a bill to be entitled "An act making appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature."

The bill was read first time; rules suspended, bill read second time and ordered engrossed; rules further suspended, the bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Franks, King, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—18.

Nays—Senators Fountain, Henry, Swift and Word—4.

By leave, Senator Shelley introduced a bill to be entitled "An act to amend section one of article three of the charter of Austin."

The bill was read first time; rules suspended, read second time, and ordered engrossed; rules further suspended, read third time and passed.

Senator Tendick called up House bill No. 894, "An act to legalize the unconditional certificate for three hundred and ninety acres of land issued to Josiah Powers, and the survey made by virtue of the same."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Ruby, Shelley, Swift, Tendick, Tracy, Word and Mr. President—21.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to

report that they have examined and compared the following Senate bills, to-wit:

No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company."

No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas."

No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

No. 883, "An act to effect a loan to meet deficiencies in the revenue."

And find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem*.

On motion of Senator Avinger, House bill No. 749, "An act to authorize the county courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties," was taken up, and the Senate adhered to its amendments.

By leave, Senator Pyle introduced a bill to be entitled "An act fixing the number of days the District Court of Leon county shall continue in session at the March term thereof."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Rawson called up House bill No. 970, "An act to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous or other intoxicating liquors of any kind within certain limits." The bill was read second time.

Senator Sayers moved to amend as follows: After the word "county," in line twenty of section one, add the following: "Mountain Home in Bell county." Adopted.

By leave, Senator Cole, chairman of the Committee on Private Land Claims, returned to the Senate sundry bills that had been referred to said committee, the committee not having time to investigate them.

Senator Randle called up House bill No. 848, "An act to provide for the investigation of fires in certain cases."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Ruby offered the following resolution, which was adopted:

WHEREAS, The accumulation of business at the close of the session necessitates additional clerical labor in the Senate; therefore,

Resolved, That the secretary of the Senate be and is hereby authorized and empowered to employ such additional number of assistants as the increased closing business of this body shall require.

Senator Ruby called up House bill No. 875, "An act to incorporate the Texas Well and Irrigating Company."

The bill was read second time, and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dohoney, Ford, Finlay, Franks, Gaines, Hall, Henry, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—20.

Senator Saylor called up Senate bill No. 166, "An act for the relief of Hugh Reed."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Shelley, Swift, Tendick, Tracy and Mr. President—22.

Nays—Senators Dillard and Word—2.

Senator Pickett called up Senate bill No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas."

The bill was read second time, and the amendments recommended by the committee rejected.

The bill was then ordered engrossed; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Shelley, Swift, Tendick, Tracy and Mr. President—22.

Nays—Senators Dillard and Word—2.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

Sir: Your Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed the following bills:

Senate bill No. 104, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas."

Senate bill No. 242, "An act for the relief of certain pre-emption settlers in Bandera county."

Senate bill No. 332, "An act to incorporate the Bayou City Hook and Ladder Company No. 2, of the city of Houston."

HENRY C. KING, Chairman.

Senator Tracy, for the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: On behalf of your Committee on Enrolled Bills, I did, to-day at 12 o'clock M., present to his Excellency the Governor the following Senate bills, for his signature and approval, to-wit:

No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas."

No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county."

No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company."

No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company."

No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas."

No. 369, "An act to ascertain the amounts due the teachers of the public free schools of the State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

No. 383, "An act to effect a loan to meet deficiencies in the revenue."

J. G. TRACY, Chairman *pro tem*.

A message was received from the House informing the Senate that the House had passed the following bills, to-wit:

House bill No. 405, "An act to amend an act approved August 13, 1870, incorporating the town of Bremond, approved December 1, 1871."

House bill No. 611, "An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi."

House bill No. 975, "An act to create and define Clay land district."

House bill No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

Senator Swift called up House bill No. 284, "An act for the relief of L. W. Ludlow."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—21.

Senator Tracy introduced a bill to be entitled "An act making an appropriation to pay for printing blanks, etc., for the department of education." Read first time and not referred.

Senator Word called up Senate bill No. 373, "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Ford, Finlay, Fountain, Franks, Gaines, Henry, King, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—21.

Nays—Senators Evans and Hall—2.

The motion made by Senator Pyle on yesterday to reconsider the vote passing House bill No. 712, "An act granting lands to the International Railroad," was taken up.

The question being on the adoption of the motion to reconsider, the same was put and adopted.

Senator Finlay then offered the following amendment:

Amend by striking out the caption of the bill and sections one and two, and inserting the accompanying caption and section: "*An Act to define and adjust the rights of the International Railroad Company.* SECTION 1. *Be it enacted by the Legislature of the State of Texas, That in no event shall bonds be issued to the International Railroad Company under the act of August 5, A. D. 1870, except for the portion of its road now constructed, and that may be constructed, as required by said act of incorporation; between the city of San Anto-*

nio, in Bexar county; and the city of Jefferson, in Marion county, including necessary side tracks and turnouts; *provided*, it shall be a full and final settlement of all matters between the State of Texas and the said company, as to any subsidy granted by the aforesaid act of incorporation. Said bonds, for each section of road constructed as aforesaid, shall bear interest from the time of inspection of the same, and the Comptroller is hereby directed to countersign and register said bonds as required by the act of incorporation of said company."

Senator Pickett moved to lay the amendment on the table. Lost by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Evans, Henry, Sayers, Shelley, Swift and Mr. President—9.

Nays—Senators Baker, Broughton, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Saylor, Tendick, Tracy and Word—17.

Senator Fountain moved the previous question. Carried.

President Pickett in the chair.

The main question being on the adoption of the amendment offered by Senator Finlay, the same was put, and the Senate refused to adopt the amendment by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—18.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Henry, Sayers, Shelley, Swift and Mr. President—10.

The question then being on the final passage of the bill, the same was put, and the vote stood as follows:

Yeas—Senators Baker, Broughton, Cole, Finlay, Ford, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Saylor, Tendick, Tracy and Word—18.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Henry, Sayers, Shelley, Swift, and Mr. President—10.

The Chair announced that the bill was lost.

Senator Fountain then appealed from the decision of the Chair to the Senate, and the Senate sustained the decision of the Chair by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Pyle, Sayers, Shelley, Swift, Tendick and Word—14.

Nays—Senators Baker, Cole, Ford, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor and Tracy—12.

Senator Sayers moved to reconsider the vote by which the Senate postponed the resolution offered by Senator Shelley, "that the Senate resolve itself into a High Court of Impeachment on the thirty-first day of May instant, at 12 o'clock M., to try the impeachment case against William Chambers, Judge of the First Judicial District."

Senator Tracy moved to lay the motion on the table.

Senator Broughton moved to adjourn to 9 o'clock A. M. next Monday.

Lost by the following vote:

Yeas—Senators Baker, Broughton, Franks, Hall, Pyle, Randle, Swift, Tracy and Mr. President—9.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Gaines, Henry, King, Rawson, Ruby, Sayers and Shelley—17.

Senator Tracy then moved to adjourn to 4 o'clock P. M.

Lost by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Franks, Pyle, Swift, Tendick, Tracy, Word and Mr. President—13.

Nays—Senators Broughton, Ford, Finlay, Fountain, Gaines, Hall, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers and Shelley—14.

By leave, Senator Shelley introduced a bill entitled "An act making an appropriation for the Supreme Court."

Read first time, and not referred.

Also, a bill entitled "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications."

Read first time, and not referred.

Senator King moved to reconsider the vote passing the San Antonio charter.

On motion of Senator Cole, the Senate adjourned to 4 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment Roll called; quorum present.

Senator Finlay, chairman of a committee of conference on the bill for the protection of stock raisers, reported as follows:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your joint committee of conference, to whom was referred a bill to be entitled "An act to encourage stock raising and for the protection of stock raisers," having carefully considered the same, we are instructed to report the accompanying amendment to section one and recommend its adoption, and that the Senate recede from its amendment to said section one.

GEORGE P. FINLAY,

Chairman Senate Committee.

GEORGE W. SMITH,

Chairman House Committee.

Report adopted.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 963, "An act prescribing the time for the annual meetings of the Legislature."

Senate bill No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term in each year."

Senator Avinger called up House bill No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county, and to define the boundary thereof."

The bill was read first and second times and passed to a third reading; rules suspended, read third time and passed.

Senator Baker introduced a bill to authorize the Judge of the Thirty-third Judicial District to hold a special term of the District Court in McLennan county for the trial of criminal cases. Read first and second times and ordered engrossed; rules suspended, read third time and passed.

Senator Ball called up House bill No. 330, "An act to prohibit the sale of liquors within three miles of Valley Mills Seminary, in Bosque county." Read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Broughton called up House bill No. 976, "An act to authorize the County Court of Cooke county to

levy and collect a special tax to build a jail." Read first and second times and passed to a third reading; rules suspended, read third time and passed.

Senator Cole called up House bill No. 288, "An act for the relief of the heirs and assigns of E. S. Williams, deceased." Read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—21.

Senator Dohoney called up Senate bill No. 104, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas."

Senator Sayers offered the following amendment: Add to section thirteen the following: "*Provided*, that this act shall not apply to and be in force in Bastrop and Fayette counties."

Senator Tendick moved to amend by exempting Colorado and Lavaca counties.

Senator Swift, to exempt the Second Senatorial District.

Senator King, to exempt the Twenty-ninth Senatorial District.

On motion of Senator Franks, the amendments were laid on the table, and the Senate refused to pass the bill by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Gaines, Hall, Henry, Ruby and Word—10.

Nays—Senators Broughton, Cole, Dillard, Ford, Finlay, Fountain, Franks, King, Pyle, Rawson, Randle, Saylor, Sayers, Shelley and Tendick—16.

Senator Broughton moved to reconsider the vote just taken, and to lay the motion on the table.

On motion of Senator Baker, a call of the Senate was ordered.

Absent—Senator Tracy.

On motion of Senator Tendick, the call was suspended, and the motion to reconsider was laid on the table.

The following communication from his Excellency was taken from the President's stand:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 31, 1873.

*To the Honorable Senate and House of Representatives
of the State of Texas:*

GENTLEMEN: I have the honor to inform you that the following named bills have been received by me and approved, to-wit:

House bill No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same," approved May 26, 1873.

House bill No. 188, "An act for the benefit of actual occupants of the public lands," approved May 26, 1873.

House bill No. 927, "An act to provide for the safe keeping and protection of the State house, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State," approved May 27, 1873.

Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, Geo. W. Honey, to twenty-seventh of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith," approved May 27, 1873.

House bill No. 228, "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure," approved May 27, 1873.

Senate bill No. 355, "An act to organize Clay county," approved May 27, 1873.

Senate bill No. 52, "An act entitled an act to amend an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, A. D. 1870," approved May 27, 1873.

Senate bill No. 199, "An act to amend section eleven of an act entitled an act concerning divorce and alimony, approved January 6, 1841," approved May 27, 1873.

Senate bill No. 355, "An act prescribing the times of holding the district courts in Kaufman and Rockwall

counties, in the Tenth Judicial District," approved May 27, 1873.

House bill No. 327, "An act to reincorporate the town of Denton, in Denton county, State of Texas, and to grant a new charter of incorporation to said town," approved May 28, 1873.

House bill No. 760, "An act to authorize the holders of State warrants to surrender the same to the State Treasurer and receive State bonds in lieu thereof," approved May 30, 1873.

House bill No. 169, "An act incorporating the town of Willis, in Montgomery county, Texas," approved May 30, 1873.

House bill No. 888, "An act to amend an act to provide for districting the State of Texas into judicial districts, approved July 1, A. D. 1870," approved May 30, 1873.

Senate bill No. 95, "An act for the relief of Luke G. Lea," approved May 30, 1873.

Senate bill No. 200, "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870," approved May 30, 1873.

House bill No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870," approved May 30, 1873.

House bill No. 931, "An act supplemental to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871," approved May 30, 1873.

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas," approved May 30, 1873.

House bill No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin," approved May 30, 1873.

Senate bill No. 240½, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county," approved May 30, 1873.

House bill No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871," approved May 30, 1873.

House bill No. 742, "An act amendatory of an act to

incorporate the Galveston Agricultural, Horticultural and Industrial Association," approved May 30, 1873.

House bill No. 947, "An act to locate the county seat of Trinity county," approved May 30, 1873.

House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871," approved May 31, 1873.

The following bills not having been returned by me to the house in which they originated within the time prescribed by the Constitution, have become laws without my approval, to-wit:

House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," passed March 25, 1873.

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof," passed May 6, 1873.

Senate bill No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county," passed May 12, 1873.

Senate joint resolution No. 23, "Joint resolution instructing our Senators and requesting our Representatives in Congress to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas," passed May 15, 1873.

House bill No. 50, "An act to regulate the practice of medicine," passed May 16, 1873.

House bill No. 155, "An act to be entitled an act for the protection of the farming interests of the State," passed May 16, 1873.

House bill No. 596, "An act amendatory to and supplementary of an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, Approved March 22, 1871, and to aid in the construction of said railroad," passed May 17, 1873.

Senate bill No. 102, "An act for the relief of the heirs of Anthony McGee," passed May 20, 1873.

Senate bill No. 116, "An act for the relief of Lycurgus E. Griffith," passed May 20, 1873.

Senate bill No. 82, "An act for the relief of John S. Meniffee," passed May 20, 1873.

House bill No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston," passed May 21, 1873.

House bill No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail," passed May 22, 1873.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senator Fountain introduced a bill to amend an act approved March 9, 1848, entitled "An act concerning the forfeiture of certain neat cattle."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Franks called up House bill No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas, approved August 12, 1870, passed April 28, 1871."

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Randle, Ruby, Sayers, Shelley and Swift—20.

Nay—Senator Word—1.

Senator Gaines called up House bill No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Sayers and Shelley—19.

Nays—Senators Ford and Word—2.

Senator Ball introduced a bill to amend an act entitled "An act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county," approved August 3, 1870. Read first time and not referred.

Senator Henry introduced "An act to incorporate Tyler Chapter No. 24 Royal Arch Masons."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Dohoney, Ford, Finlay, Franks, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift and Word—21.

Senator Broughton, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and compared the following Senate bills, to wit:

No. 270, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State."

No. 149, "An act to amend an act entitled an act to incorporate the German Casino of Columbus, Texas."

No. 380, "An act to amend section ten of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870."

No. 310, "An act to confer additional jurisdiction on the presiding justices of the peace of Lamar and Fannin counties, and to prescribe the powers and duties of the officers of said courts."

Senate joint resolution No. 45, "Joint resolution for the relief of Mrs. Belle Murray."

No. 441, "An act making appropriation for the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

And find the same correctly enrolled.

E. T. BROUGHTON, Chairman *pro tem.*

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed:

Senate bill No. 388, "An act making appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature."

Senate bill No. 384, "An act to amend section one, article three, of an act to incorporate the city of Austin, approved April 5, 1873."

Senate bill No. 166, "An act for the relief of Hugh Reed."

Senate bill No. 377, "An act to amend section two of an act concerning county seats, approved May 9, A. D. 1838."

Senate bill No. 386, "An act for the relief P. Jenks Mahan."

HENRY C. KING, Chairman.

Senator King called up Senate bill No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debts of said county."

The bill was read second time and ordered engrossed; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Dohoney, Ford, Finlay, Franks, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, and Word—21.

By leave, Senator Tracy introduced a bill for the relief of the inspectors of the public free schools.

The bill was read first time; rules suspended, read second time and referred to the Committee on Retrenchment and Reform by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Evans, Franks, Gaines, Henry, King, Rawson, Sayers, Shelley, Swift and Word—15.

Nays—Senators Baker, Ford, Finlay, Fountain, Hall, Pyle, Randle, Ruby and Saylor—9.

Senator Shelley called up House bill No. 977, "An act to create and define Montague land district."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed.

Senator Pyle called up Senate bill No. 282, "An act to authorize the County Court of Menard county to levy and collect a special tax to build a court house and jail."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

By leave, Senator Ruby introduced a bill to promote the construction of water works for the city of Galveston.

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Sayers, Tendick and Word—20.

By leave, Senator Finlay introduced a bill to amend section five of an act entitled "An act to authorize the holders of State warrants to surrender the same to the State Treasurer and to receive State bonds in lieu thereof."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Rawson called up House bill No. 329, "An act to prohibit the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county."

The bill was read second time and passed to third reading; rules suspended, read third time and passed.

Senator Randle called up Senate bill No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments, etc., from the records of the counties of Bexar, Comal and Blanco."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Evans called up House bill No. 412, "An act for the relief of G. W. Patterson and son."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Saylor, Sayers, Shelley, Tendick and Word—22.

Senator Dillard called up House bill No. 863, "An act

to amend section three of an act supplementary to an act to provide for the payment of the public debt of Texas, approved November 13, 1871."

The bill was read second time, and the report of the committee, recommending amendments, adopted; rules suspended, read third time and passed.

Senator King called up House bill No. 310, "An act to incorporate the city of San Antonio," on his motion to reconsider the vote passing the same.

The motion to reconsider was adopted.

Senator King then moved the adoption of the following amendments reported by the committee:

Amend section five, lines six and seven, by striking out the words "*provided*, said person has first paid all his city taxes, including his poll tax."

Amend article three, section three, by striking out all after the word "land," in line five, down to and including the word "years," in line seven.

The amendments were adopted.

The question then being the final passage of the bill as amended, the same was put, and the bill passed.

Senator Pyle moved to reconsider the vote passing Senate bill No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas." Carried.

Senator Swift then offered the following amendments:

Amend the seventh section by striking out the word "three" where it occurs in relation to the reservation, and insert in lieu thereof the word "one."

Amend same section by striking out "and the additional sum of fifteen cents per acre."

Amend same section by striking out the words "twenty cents," where it occurs in relation to the purchase of the school lands, and insert "twenty-five cents" in lieu thereof.

Adopted.

Senator Ball offered the following amendment: Amend by inserting the names of J. J. Hand and Frank Mitchell, of Galveston, among the list of incorporators. Adopted.

The bill then passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Evans, Dohoney, Ford, Finlay, Fountain, Franks, Hall, Pyle, Rawson, Randle Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Tracy—22.

Nays—Senators Henry and Word—2.

Senator Ford called up House bill No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873."

The bill was read second time.

Senator Ford offered the following amendment: Amend by adding after the first section, "and sixteen hundred dollars is hereby appropriated out of the available school fund for that purpose." Adopted.

The bill was then read a third time and passed.

Senator Finlay called up Senate bill No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

A message was received from the House, informing the Senate that the House had passed House bill No. 981, "An act to attach Guadalupe county to the Twenty-third Judicial District."

Senator Sayers called up House bill No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Saylor called up Senate bill No. 350, "An act to incorporate the Columbus Engine, Hook and Ladder Company."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Saylor, Sayers, Shelley, Tendick and Word—21.

Senator Shelley called up House bill No. 348, "An act to prohibit the sale of intoxicating liquors within the limits of Jonesborough School, in Coryell county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Swift called up House bill No. 403, "An act for the relief of the heirs of John Short, deceased."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Evans, Ford, Finlay, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley and Tendick—19.

Nays—Senators Swift and Word—2.

A message was received from the House, informing the Senate that the House had passed the following bill, viz.:

Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county."

Senator Tendick called up Senate bill No. 372, "An act to amend an act to incorporate the town of Millican, county of Brazos, approved March 13, 1871."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Word called up House bill No. 802, "An act to enable certain towns and cities to erect hospitals."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Baker moved that the Senate adjourn to 9 o'clock A. M. next Monday. Lost by the following vote:

Yeas—Senators Baker, Ball, Broughton, Evans, Ford, Franks, Gaines, Hall, Pyle, Rawson and Swift—11.

Nays—Senators Avinger, Cole, Dillard, Dohoney, Finlay, Henry, King, Ruby, Saylor, Sayers, Tendick and Word—12.

On motion of Senator Fountain the Senate adjourned to 8:30 o'clock P. M.

EVENING SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

Senator Shelley presented the following memorial, and asked that it be spread upon the journal of the Senate:
To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: This memorial of the undersigned, attorneys of record of General Daniel Ruggles, protests against the report made by the Committee on Public Lands to your honorable bodies, and complains of the entire proceedings of the said committee in their investigation, as illegal and unauthorized in its object and oppressive in its conduct and effect.

Your memorialists protest against the injustice done

them by the course pursued by the Hon. Stephen Powers, the chairman of the House committee.

Your memorialists submit that the whole subject matter of this investigation is for judicial inquiry, and not for legislative action; that while whatever action this Legislature may take can not really divest any right with which, under the decree of the court, he may be vested, yet it may operate an injury to the value of his individual rights.

They deny that a fair and impartial investigation has been had before the committee. They deny that the report is a true statement of the facts or of the record, and they charge the Hon. Stephen Powers with the suppression of portions of the record, and with the interpolation of statements which were not legal or competent testimony, and with the refusal to permit the introduction of sworn depositions of witnesses to the reverse of the facts stated in the report, and which said depositions were of record and had been used at the trial investigated. They do also protest against the conduct of the said Powers in undertaking alone, as he did, in the absence of the members of the committee, to decide what evidence should be heard, from which decision and against said usurpation they appealed to the committee, but that said Powers failed and refused to call the committee together, as was his duty to do, but founded the report on partial testimony, garbled and broken, not representing the facts, truth or justice of the case.

They protest against the falsity of the report published to the world under the unwitting sanction of the other gentlemen of the committee, and declare it unjust, not founded on the facts of the case, partial, personal, without authority—a prostitution of the lawful powers of the Legislature to gratify private spleen in the oppression and to the injury of a worthy citizen, who wore the sword in war, and is honorable, just and law-abiding in peace.

We protest against it also as discrediting the authority and judicial discretion of a learned and impartial judge, who has incurred the animosity of the Executive on account of his personal independence and judicial firmness, and tending to impair his usefulness as such judge.

We further represent that our client's rights depend upon a decree of a court of competent jurisdiction, which is itself the judge of that jurisdiction, and that until said

decree is reversed by an appellate court having jurisdiction, that decree is binding upon this Legislature as well as upon every individual; that said judgment was at hand, together with the proceedings upon which it was based, and was tendered in evidence, but the said Powers refused to receive or submit it to said committee.

They further represent that the flimsy pretext under which these extraordinary proceedings have been had, viz., that the Governor and Attorney General of the State wished the advice of the Legislature as to their duty in the premises, is untrue, for that this body is not, by the Constitution, made the advisor or controller of the official conduct of either of those officers, nor can their appeal to it shelter them from the consequences of misfeasance or malfeasance, nor justify their abuse of powers with which they are vested; nor is the respect hitherto manifested for the popular will suggestive of their sincerity in the present application.

J. A. WARE.

W. M. WALTON.

Senator Dillard in the chair.

Senator Avinger called up House bill No. 466, "An act to amend the Penal Code of the State of Texas."

The bill was read second time and passed to a third reading; rules suspended, the bill read third time and passed.

Senator Pickett called up House bill No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt or other intoxicating liquors, within two miles of certain places therein named."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Ball called up Senate bill No. 309, "An act to incorporate the Weatherford Hook and Ladder Company No. 1."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Broughton called up House bill No. 948, "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Cole called up House bill No. 981, "An act to attach Guadalupe county to the Twenty-third District for judicial purposes."

The bill was read second time.

On motion of Senator King, further consideration of the bill was postponed until Monday next, at 10 o'clock A. M.

Senator Sayers introduced a bill to be entitled "An act supplementary to an act to ascertain the amount due teachers of the public free schools of this State prior to the first day of March, 1873, and to provide for the payment of the same."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Dohoney called up House bill No. 197, "An act to authorize the county courts of the several counties to keep up and improve roads and bridges."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Evans called up House bill No. 782, "An act providing for permanently locating the county seat of Robertson county."

The bill was read a third time.

Senator Hall moved a call of the Senate. Call sustained.

Absent—Senators Baker, Ford, Finlay, Randle and Ruby.

Senator Fountain called up House bill No. 611, "An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi."

The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Fountain, Franks, Hall, Henry, King, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Tendick and Tracy—19

Nay—Senator Word—1.

Senator Franks called up House bill No. 975, "An act to create and define Clay land district."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed.

Senator Hall called up House bill No. 210, "An act to incorporate the town of Whitesboro, in Grayson county," with Senate amendments, and the Senate receded from its amendments.

Senator Henry called up House bill No. 358, "An act to make provisions for the better security of public funds."

The bill was read second time; rules suspended, read third time and passed.

Senator King called up House bill No. 865, "An act to validate bounty land warrant No. —, issued to the heirs of Thomas Jackson."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Fountain, Franks, Hall, King, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Tendick and Tracy—18.

Nays—Senators Henry and Word—2.

Senator Pyle called up House bill No. 942, "An act to prohibit the sale of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Rawson called up House bill No. 919, "An act to appropriate three hundred dollars to buy postage stamps for the office of Superintendent of Public Instruction."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Ball, Cole, Dohoney, Evans, Fountain, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—15.

Nays—Senators Avinger, Broughton, Dillard, Franks, Swift and Word—6.

Senator Sayers moved to reconsider the vote just taken.

Senator Ruby called up Senate bill No. 333, "An act to create a fund and appropriate the same for the improvement of the bar and harbor of Galveston, through the reservation and sale of land, and authorizing the city of Galveston to survey said lands and to improve said bar and harbor."

The bill was read second time, and Senator Broughton moved to postpone the bill indefinitely. Motion withdrawn.

Senator Dillard called up House bill No. 680, "An act to protect laborers on railroad, canal and telegraph lines."

The bill was read first time.

Senator Ruby moved to lay the bill on the table.

Senator Shelley moved to refer the bill to Judiciary Committee No. 1. Carried.

Senator Saylor called up a resolution for the relief of James E. Slater. Consideration of the resolution postponed until 10 o'clock A. M. Monday next.

Senator Shelley called up Senate bill No. 390, "An act making an appropriation for the Supreme Court."

The bill was read second time and ordered engrossed; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Fountain, Franks, Hall, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy, Word and Mr. President—21.

Senator Swift called up Senate bill No. 391, "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications."

The bill was read second time, and ordered engrossed; rules suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Fountain, Henry, King, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Nay—Senator Franks—1.

Senator Tendick introduced a bill for the relief of C. C. King."

The bill was read first time; rules suspended; read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Fountain, Franks, Hall, Henry, King, Pyle, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Nay—Senator Rawson—1.

Senator Tracy called up House bill No. 968, "An act to pay sheriffs for furnishing blankets, mosquito bars and fuel to prisoners, and for cleaning and purifying jails."

The bill was read second time.

Senator Franks moved that the bill be indefinitely postponed. Lost by the following vote:

Yeas—Senators Ball, Cole, Dillard, Evans, Franks, Henry, Pyle, Rawson, Swift and Word—10.

Nays—Senators Avinger, Dohoney, Fountain, Hall, King, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—11.

On motion of Senator Tracy the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Senators Avinger, Dohoney, Fountain, Franks, Hall, King, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—11.

Nays—Senators Ball, Cole, Dillard, Evans, Henry, Pyle, Rawson, Swift and Word—10.

Senator Fountain moved to reconsider the vote just taken, and to lay that motion on the table.

Senator Franks moved a call of the Senate.

On motion of Senator Dohoney the Senate adjourned to 9 o'clock A. M. next Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, June 2, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Lovejoy.

On motion of Senator Avinger the reading of the journal of last Saturday was dispensed with.

By leave, Senator Fountain introduced a bill to be entitled "An act supplemental to and explanatory of an act entitled an act to provide for the printing of the general laws of the State in German and Spanish languages, passed at the present session of the Legislature."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 971, "An act making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employes of the Thirteenth Legislature."